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BLAIR CASTS DECIDING  
VOTE AGAINST BRADSHAW

(Continued from Page One)

nothing to jurisprudence, reflect upon  
the intelligence of the magnificent bar  
of the state, and would be at the sacri-  
fice of our own judicial self-respect.

"The opinion mentions that in the  
course of the trial Bradshaw's atten-  
tion was called to certain checks of  
his against the private inspection fund.  
That the numbers of these checks  
were specified in the written charges  
preferred, and the book and pages  
were found where they were. Some seven  
of the written charges were of this  
kind. Sec. 41 of the Act of 1913, pro-  
vides that all fees for the inspection  
of grain in public warehouses and  
elevators shall be paid into the state  
treasury monthly and become a part  
of the general revenue fund of the  
state. No provision that I find au-  
thorizes a private inspection fund, or  
any books to be kept in connection  
therewith. The act refers to public  
warehouses and elevators, and all the  
fees from this source go to the state  
treasury. There is no charge that  
these legal fees were not deposited as  
required by law. This, only, in answer  
to my brother's opinion, and is not  
intended for an opinion upon the trial  
of Bradshaw in any way.

**Applies to a Single Officer**  
"Relator first contends that Sec. 11,  
S. 1919 (the statute authorizing the  
removal of a single officer) is valid  
for the reason that it is a special law,  
based upon an arbitrary classification,  
and is made applicable to a single in-  
dividual only, whereas a general law  
could have been enacted, and the state  
treasury, Sec. 53 of article IV of the  
constitution, besides prohibiting the pas-  
sage of local or special laws relative to  
divers subjects, in paragraph 32 further  
provides: 'In all other cases where a  
general law can be made applicable,  
no local or special law shall be enacted;  
and whether a general law could  
have been made applicable in any case  
is hereby declared a judicial question,  
and no such shall be judicially deter-  
mined, without regard to any legisla-  
tive action on the subject.' So that if  
Section 4 of the act of 1913 is a general  
law, it is not applicable to a single  
officer, but to a class of officers, and  
it is a special law upon a subject which  
could be covered by a general law,  
then it is bad. To determine whether  
it is a special law, the subject of the  
law must be considered in the context  
of the law. The subject is removal  
from office, and as used in the statute  
it refers to the removal of a single of-  
ficer, 1, s. grain and warehouse com-  
missioner.

**Removal from Office**  
"Removal from office is a subject of  
general character, and can always be  
covered by a general law made ap-  
plicable to at least a class of officers,  
if not to all officers except those  
where the removal is provided for by  
the constitution rather than by statute.  
This law is special in that it refers to  
a single officer, or officer, the class is  
grain and warehouse commissioner,  
and not the divers occupants of that  
office from time to time. The removal  
is from a single officer, and the class  
made by the legislature is one of a  
single officer or officer. To take a law  
out of special legislation, the classifica-  
tion made must be a reasonable one,  
and one having a fair basis for the  
classification. Or if the law applies to  
a single officer, then it must appear  
that the characteristics of this particu-  
lar subject are such that by reason of  
which, it could not be classed other-  
wise than by itself. In state ex rel  
Gordon, 245 M. 1, c. 33, this court  
quoting with approval the following:  
"In order to determine whether or  
not a given law is general, the pur-  
pose of the act and the objects on  
which it is intended to operate must  
be considered. If these objects are  
distinguished from others by charac-  
teristics existing a peculiar relation  
to the legislative purpose, and show-  
ing the legislature to be reasonably  
appropriate to the former and inap-  
propriate to the latter, the statute  
will be considered, as respects such  
legislation, to be a class by them-  
selves, and legislation affecting such a  
class, to be general."

**Why Single Him Out?**  
"The subject of this statute is the  
removal of a grain and warehouse  
commissioner from office. What  
reason is there for singling out this  
one officer or officer in a statute un-  
less? Are there any peculiar charac-  
teristics which would distinguish  
this officer or officer from a dozen or  
more appointive officers under the  
control of the governor? Is this con-  
dition that must not be overlooked that  
Sec. 4 of the act of 1913 (now Sec.  
25th R. S. 1919) in addition to a re-  
moval for certain reasons by the gov-  
ernor, also provides: 'The legislature  
also shall have the power, by a two-  
thirds vote of all members elected to  
each house, after ten days notice in  
writing of the charges and a public  
hearing, to remove the commissioner  
from office for dereliction of duty, or  
corruption, or incompetency.'

"What is the difference in this par-  
ticular officer and the other officers  
from a dozen or more similar officers  
under the appointive power of the  
governor as to justify the law makers  
in providing for this removal by the  
law makers themselves, by a kind of  
statutory impeachment? Why should  
not other similar officer, he likewise  
be removed? This provision of the statute  
is a mere exception, and not to be  
found, but if used at all, why not  
make it apply to all officers appointed  
by the governor, by and with the  
consent of the senate? A large class  
of officers could be made legitimate  
ly arranged to which a general law  
of this character could be applied. We  
are not passing upon the validity of  
this portion of the law, except as the  
whole section is involved under Sec.  
53, paragraph 32 of Art. IV.

**Why This Discrimination?**  
"What we do insist is, that if the  
legislative removal is a proper and  
legitimate thing, there is no reason  
why it should be made applicable to  
this one officer, and this one officer.  
There is absolutely nothing in this of-  
fice to distinguish it from a dozen or  
more officers, similarly situated. A  
general law involving this feature  
could be made applicable to a large  
number of officers, and there is no  
certainly reason for singling out this  
particular officer or this particular of-  
fice, for the removal of this officer  
from office is concerned with the  
peculiar features which distinguish  
the office of grain and warehouse  
commissioner from a dozen or more  
other officers, so far as the subject of  
removal from office is concerned  
and this is the only subject for con-  
sideration in this Sec. 4 of Act of 1913.  
must be held to be a special law upon  
a subject which can readily be covered  
by a general law, and therefore void  
under the constitution. Upon the  
subject of removal from office we  
have now several general laws applic-  
able to different classes of officers.  
Sec. 53, 2475, 2476 and 2477, R. S.

1919. What the legislature has done  
under these sections could well be  
done by a general law. The writ of  
habeas corpus, and divers other com-  
missioners and officers, appointed by the  
governor for the execution of given  
laws.

**Void for This Reason Also**  
"Sec. 4 of the Act of 1913 (Laws of  
1913 p. 254 et seq.) is void for the fur-  
ther reason, that such section is not in-  
cluded in the title of the act. The title  
to this act reads:

"An Act to repeal article 2 of chap-  
ter 66 of the Revised Statutes of Mis-  
souri, 1909, relating to inspection of  
grain and hay, and to enact in lieu  
thereof a new article to be known as  
article 2, relating to inspection and  
weighing of grain, abolishing the office  
of railroad and warehouse commis-  
sioner, creating the office of warehouse  
commissioner and fixing his powers and  
duties, with an emergency clause."

"Sec. 28 of Art. IV of the constitu-  
tion requires that a single and clearly  
expressed in its title. At an early day  
(under the const. of 1875) this court  
in City of Kansas vs. Payne, 71 M. 1, c.  
162 said:

"The object of the constitutional  
provision was to require so clear an ex-  
pression of the subject of the bill in  
the title, that it would at once apprise  
legislators and others interested of the  
precise subject of the proposed legisla-  
tion."

**Title Like a Guide Board**  
"The evident object of the provi-  
sion of the organic law relative to the  
title of an act was to have the title like  
a guide board, indicate the general  
subject of the bill, and contain but  
one general subject which might be  
expressed in a few or a greater num-  
ber of words. If those words only  
constitute one general subject, if they  
do not mislead as to what the bill con-  
tains; if they are not designed as a  
cover to vicious and incongruous  
legislation, then the title can stand on  
its own merits, is an honest title, and  
does not impinge on constitutional  
prohibitions."

"And in State vs. Coffee & Tea Co.,  
171 M. 1, c. 645, it is clearly stated:  
"The title of the bill should ex-  
press the subject of an act in such  
terms that the members of the Gen-  
eral Assembly and the people may  
at once be informed as to what is  
being treated of." (State v. Burdette,  
167 Mo. 30.)

**To Inform All the People**  
"This general rule differently ex-  
pressed, is found throughout our case  
law from the earliest cases up to the  
present. The purpose of the title to  
an act is not only to inform the leg-  
islators, but the people, and all who  
may be interested. It must be an in-  
dex of what might be expected in the  
body of the bill. 'Take a sign board  
it must indicate the general contents  
of the bill.' It must not mislead either  
by false words, or cunning omis-  
sion. It must not hide things which  
if known, would incur the wrath of  
either the legislators or the interested  
public. Deception, in any form,  
should and does vitiate those things  
in the bill which have been hidden  
from view by the title."

"What legislator, reading this title,  
would for a moment think that in the  
body of the bill was provided an im-  
peachment proceeding? Even if it  
could be admitted (which we do not  
admit) that the removal of an officer  
by the governor is a subject germane  
to the creating of the office, yet it  
can not be said that when this execu-  
tive function is placed in the legislature  
by a statutory impeachment trial, that  
such is germane. I dare say that  
there was not one legislator out of ten  
who participated in the passage of  
this act, ever dreamed that this radi-  
cal provision was hid away in the  
body of the act. To my mind this

alone voids Sec. 4 of the Act of 1913  
under the provisions of Sec. 28 of Art.  
IV Constitution of 1875. The writ of  
habeas corpus should go as prayed by relator."  
W. W. GRAVES, J.

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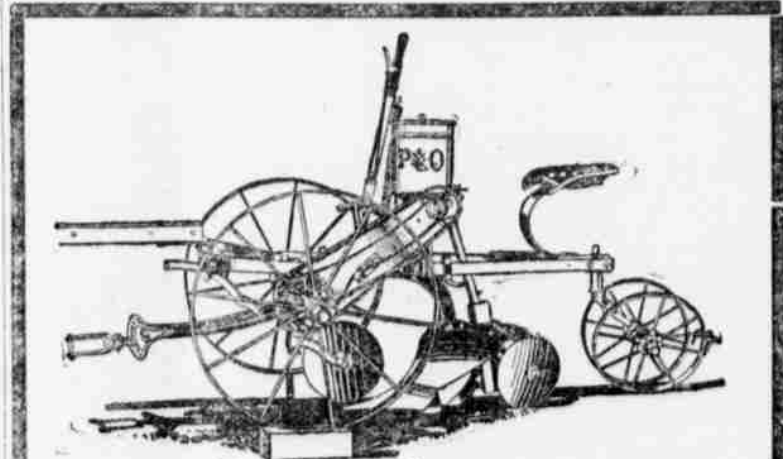
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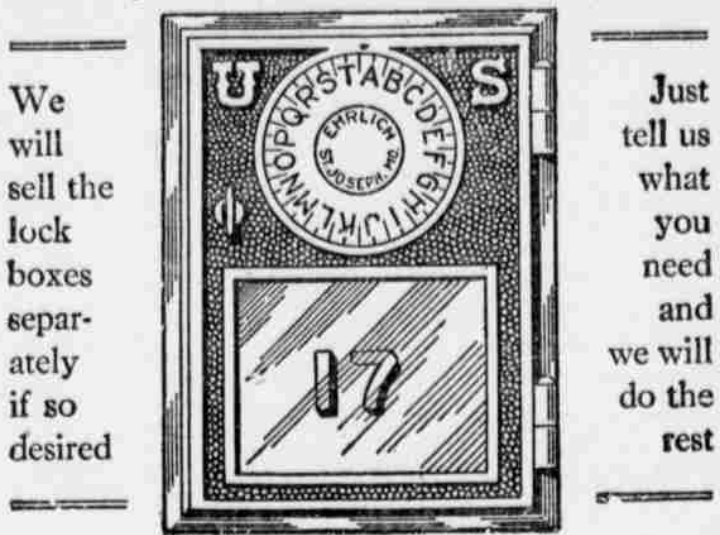
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figured out that one glance at the bank put more eyes in the potatoes.

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soldiers' bonus commission, discussed  
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